

# DRAFT

## NR 445 “Placeholder” Language

### BACT Compliance

( ) Demonstration of compliance. For the purpose of demonstrating compliance with this section, the owner or operator of a foundry may provide the Department with a certifiable Environmental Management System (EMS) document which contains a plan incorporating a continual improvement cycle to reduce emissions of one or more listed hazardous air contaminants. The Department shall review such document on a case-by-case basis, request any additional information, and make a determination as to whether such document, together with corresponding activities will constitute compliance under this section.

Criteria for review of an EMS document and operating activities are to include: certification, internal audit protocol, plans and procedures to achieve, maintain and exceed best available control requirements, as demonstrated through sufficiency of operational controls, monitoring and measurements, training, and management review as necessary elements of an effective EMS.

### LAER Variance [NR 445.04 (7) and NR 445.05 (8)]

( ) Variance. To meet the requirements of par (b) 3 or (c) 4, the owner or operator of a foundry may provide the Department with a certifiable Environmental Management System (EMS) document.....(same language as above)

**Comments:** The above provisions are intended to be drafted to the appropriate sections of revised NR 445 where BACT compliance or a LAER variance apply. The election to use an EMS to demonstrate BACT compliance or to meet the requirements for a LAER variance would be voluntary on the part of the owner or operator of a foundry and approval would be at the discretion of the Department, following a review subject to the specified criteria. (Note: this option would not eliminate the variance preconditions of a demonstration of economic infeasibility and a risk assessment. A public hearing following the Department’s review would also continue to be provided for.) Please note that the “definitions” section of the revised rule should include the following:

“Environmental management system” means an organized set of procedures that conforms with International Organization for Standardization 14001 or that is determined by the Department to be functionally equivalent to ISO 14001.